

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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JEROME SMITH

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JAN 02 2002

Plaintiff

:

CIVIL No. 3:CV-01PER1026 TS

DEPUTY CLERK

v.

:

(Judge Rambo)

UNITED STATES OF AMERICA

:

(Magistrate Judge Smyser)

Defendant.

:

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**PLAINTIFF'S OBJECTIONS AND ACCORD TO
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

NOW COMES The Plaintiff, Jerome Smith, pro se, and hereby does submit objections to the Magistrate Judge Report and Recommendation for the following reasons:

1) There is a genuine issue as to material facts that the essence and aggravation of injury sustained is non-work related.

Therefore, this Court is requested that no claim be dismissed or addressed by way of Summary Judgment until full discovery is conducted. It is submitted that full discovery will disclose the validity of all of Plaintiff's claims.

It is respectfully requested that a discovery order and schedule be submitted.

2) Accord with Report

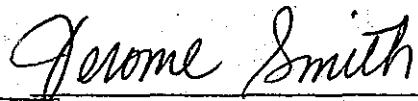
The Plaintiff is in accord with the report and the law stated therein denying the defendant's motion for summary judgment, and this is further supported by Plaintiff's filed brief.

3) Plaintiff sustained additional injuries to his lower back which were non-work related, and due to negligence by prison officials at both Allenwood Federal Prison Camp and FCI Fort Dix, New Jersey. Thus the medical records are not yet fully developed to determine the extent of these injuries. For Example, the ("BOP") have failed to submit prior (MRI) reports to Dr. Rodwan K. Rajjoub, MD (Neurological Surgery) for comparison to determine Plaintiff's injuries. See (Attached Exhibit "A").

CONCLUSION

Accordingly, for the reasons set forth above, Plaintiff request that this Court submit a order for discovery whereby the facts in this litigation will come to light in favor of the Plaintiff.

Respectfully submitted,



JEROME SMITH #19145-018
ALLENWOOD FEDERAL PRISON CAMP
DORM C
P.O. BOX 1000
MONTGOMERY, PA 17752

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEROME SMITH

Plaintiff : CIVIL CASE No. 3:CV-01-1026
v. : (Judge Rambo)
UNITED STATES OF AMERICA : (Magistrate Judge Smyser)
Defendant. :
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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that he is an inmate at Allenwood Federal Prison Camp - P.O. Box 1000 - Montgomery, Pennsylvania

That on December 18, 2001, he served a copy of the attached

**PLAINTIFF'S OBJECTIONS AND ACCORD TO
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Montgomery, Pennsylvania.

ADDRESSEE:

Mark E. Morrison Esq.
Assistant U.S. Attorney
P.O. Box 11754
Harrisburg, Pa 17108-1754

Jerome Smith

Jerome Smith #19145-018

RODWAN K. RAJJOUR , M.D. F.A.C.S.

Diplomate,
American Board of
Neurological Surgery

904 Campbell Street
WILLIAMSPORT , PA 17701

Office Hours
By Appointment

Phone: 570-326-2035
Fax: 570-326-9220

November 23, 2001

Jerome Smith #19145-018
Allenwood Federal Prison Camp
Dorm C
P.O. Box 1000
Montgomery, PA 17752

Dear Mr. Smith:

In response to your letter dated November 16, 2001 I reviewed it fully. I would recommend that you bring me the actual MRI films and have an office visit for evaluation and for review of the actual MRI films in order for me to issue a report to you.

Please feel free to call if I can be of further help.

Sincerely,



Rodwan K. Rajjoub, M.D., F.A.C.S.
RKR/kaf